

Message

From: Ex. 6 Personal Privacy (PP) [REDACTED]@gmail.com]
Sent: 5/7/2022 11:05:15 PM
To: Jacobson, Marty (ECY) [MAJA461@ecy.wa.gov]
CC: Flege, Kyrre (AGR) [KFlege@agr.wa.gov]; Rau, Ben (ECY) [benr461@ECY.WA.GOV]; Sandison, Derek (AGR) [DSandison@agr.wa.gov]; Watson, Laura (ECY) [lawa461@ecy.wa.gov]; McLain, Kelly (AGR) [KAardal@agr.wa.gov]; Ex. 6 Personal Privacy (PP) [REDACTED]cloud.com; Daniel (AGR) [DSulak@agr.wa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Julia.Reitan@washington.sierraclub.org; Regan, Michael [Regan.Michael@epa.gov]; Eoc, Epahq [Eoc.Epahq@epa.gov]; washington@tnc.org; Anson.Tebbetts@vermont.gov; Terry.Smith@vermont.gov; psa@pugetsoundkeeper.org; Peak, Nicholas [Peak.Nicholas@epa.gov]; Andrew Hawley [hawley@westernlaw.org]; Craig Bowhay [cbowhay@nwifc.org]; steveo@co.skagit.wa.us; rickh@co.skagit.wa.us; mpia461@ecy.wa.gov; Jamila (GOV) [Jamila.Thomas@gov.wa.gov]; Blackmore, Laura (PSP) [laura.blackmore@psp.wa.gov]; Alex (PSP) [alex.mitchell@psp.wa.gov]; Ahren (PSP) [ahren.stroming@psp.wa.gov]; RCO MI General Info (RCO) [info@rco.wa.gov]; Kyle K (DFW) [Vincent.Adicks@dfw.wa.gov]; Erik (GSRO) [erik.neatherlin@gsro.wa.gov]; info@charlietebbutt.com; info@blueriverlaw.com; jlaughlin@cascwild.org; nick@cascwild.org; nrdinfo@nrdc.org; Ex. 6 Personal Privacy (PP) [REDACTED]@gmail.com; blanouette@upperskagit.com; michaelk@skagitlandtrust.org; vonessen.ashley@nisqually-nsn.gov; Epstein, Larry (PSP) [larry.epstein@psp.wa.gov]; diane.hennessey@epa.gov; marine@washington.sierraclub.org; Ex. 6 Personal Privacy (PP) [REDACTED]@olympus.net; Ex. 6 Personal Privacy (PP) [REDACTED]@msn.com; Ralph (ECY) [RSVR461@ecy.wa.gov]; hpickernell@chehalistribe.org; andy.joseph@colvilletribes.com; dbarnett@cowlitz.org; lisa.martinez@hohtribe-nsn.org; rallen@jamestowntribe.org; jeromys@pgst.nsn.us; tomwooten@samishtribe.nsn.us; gmiller@skokomish.org; trgobin@tulaliptribes-nsn.gov; delano_saluskin@yakama.com; bill.sterud@puyalluptribe-nsn.gov; nmaltos@sauk-suiattle.com; ewhite@stillaguamish.com; darylwilliams@tulaliptribes-nsn.gov; Inelson@tulaliptribes-nsn.gov; Ex. 6 Personal Privacy (PP) [REDACTED]@olympus.net; swroerts@ecy.wa.gov; ECY RE NWRO ERTS [nwroerts@ecy.wa.gov]; eroertscoordinator@ecy.wa.gov; croerts@ecy.wa.gov
Subject: Re: Weekly Goals Sandison / Watson, Flege, Rau
Attachments: VERMONT LFO_Permit.Application.Export.Agreement.Form_2017_Fillable.pdf

Thank you Marty for responding so quickly with the explanation. Hope you had a nice weekend.

You have always explained things well and been diligent in your work, we are fortunate to have state employees such as yourself and Mr. Flege, your work and responses are valued by concerned environmentally interested citizens of Washington state. The new training you are having is certainly a good idea, not so sure it will help any more than a similar voluntary speeding program would eliminate speeding on the roads though. Please also include a remedial lagoon management section for Ex. 6 Personal Privacy (PP) [REDACTED] for his self created emergency.

If you don't mind I have a few questions for you...

1) What is the precedence source for the transfer of liability for the manure being discussed for the farm transported the manure to the field last fall and spread it this spring? Perhaps it is different, but it would seem the person that did something is responsible, not the person that accepts responsibility...but this may be different. Just curious about the basis of your understanding. Perhaps you could direct me to some RCW or environmental law?

2) The ERTs database,

2a) Is there a way for me to track what is happening and when for ERTs submissions?

Such as this: <https://apps.ecology.wa.gov/cleanupsearch/document/51733>

(It would seem that all ERTs reports should be able to be looked at on line provided information about the submitter is redacted if the confidential box is selected)

2b) Is there a tabular query? For example, I would like to look at all ERTs data for the last year by ECY region for when submitted, assigned, investigated, etc...through being resolved. Each would be listed on a new line with headings for the fields.

2c) I could not find a "ERTs" procedure, is there one available you could send me a link to?

2d) If the answer to these questions is basically the ability does not exist to do obtains reports, how might you suggest we go about increasing the usefulness and transparency of the ERTs database for people such as myself and interested environmental organizations to monitor the status of their submissions and obtain the ERTs data for analysis purposes such as complaints by region, time open, time till assigned, time until resolved, and other similar metrics? I was unable to find anything, not to say it is not there, can you help me?

Something like this: <https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database>

3) I see Vermont uses a "Agricultural Waste Export Agreement Form" with information about the export and submitted with the annual farm report, see below or attached.

3a) Do we have a similar method for tracking exports?

3b) Or, are exports tracked in Washington state in some other way, and if so, how?

Thank you for your explanations and help, and please provide the name and email of those who could answer these questions if you do not know.

Could you also please respond to all? Interestingly enough I have had some interest in following some of the questions and answers for emails I have sent.

Looking forward to your response, as well from Ms. Watson, Mr. Sandison, and Mr. Rau. I suppose I can remind them again in a few days. At least I know I can count on you and Mr. Flege, thank you both.

I am, in Stanwood,

Ex. 6 Personal Privacy (PP)

Agricultural Waste Export Agreement Form

Per Large Farm Operation (LFO) Rules, Subchapter 7C and Appendix B Section 3(i)(iv), all LFO facilities are required to have documentation of all agricultural wastes being exported or transferred. This form can be used by a LFO operator who exports any agricultural waste to document this transfer of that waste and meet compliance. One form needs to be filled out for every importing recipient and must be submitted with your LFO Annual Report.

I. Farm Permittee and Facility Information Exporting Agricultural Waste

Business Name _____ Permit Holder Name _____
Facility Exported From _____ Phone Number of Operator (____) _____
Are the exported agricultural wastes reported accurately in farm's Nutrient Management Plan (NMP)? ☐ Yes ☐ No
Has the farm been allowed to export this waste through ANR's Indirect Discharge Permit? ☐ N/A ☐ Yes ☐ No

II. Recipient and Location Information Responsible for the Importing of Agricultural Waste

Name of Recipient _____ Phone Number of Recipient (____) _____
Mailing Address of Recipient _____

Where are the imported agricultural wastes being stored/utilized? *(Please circle all that apply):*

Manure Pit Permanent Stack Temporary Stack Direct Field Application Digester

If being received at a manure pit, permanent stack or digester, indicate facility name and physical location (include street and town): _____

If being received at a temporary field stack or applied directly to fields, indicate field(s) FSA farm/tract/field #: _____

Have the imported agricultural wastes been reported and captured in the importing recipient's NMP (if applicable)?

☐ Yes ☐ No

Has the importing recipient's waste storage capacity been verified and determined sufficient to maintain 180 days of storage?

☐ Yes ☐ No

III. Date, Amount and Verification of Waste Exportation - All exports per crop year must be included

Date (MM/DD/YY)	Type of Waste (Solid/semi-solid, liquid, compost)	Amount of Waste (tons, gal, cubic yard)	Initials of Exporting Operator	Initials of Importing Recipient

Please use the back of this form for additional space. The total amount of exported wastes must be included in your LFO Annual Report.

IV. Agricultural Waste Analysis

Has the exporting operator sampled and analyzed the agricultural waste being exported in the last year? ☐ Yes ☐ No

Has the exporting operator provided the importing recipient with a copy of the current waste analysis? ☐ Yes ☐ No

A copy of the most current waste analysis must be submitted along with this form.

V. Signature Verification

I certify that to the best of my knowledge and belief the information above is true, accurate, and complete.

Signature of Waste Exporting Operator _____

Signature of Waste Importing Recipient _____

On Thu, May 5, 2022 at 3:14 PM Jacobson, Marty (ECY) <MAJA461@ecy.wa.gov> wrote:

Hello [Ex. 6 Personal Privacy (PP)]

The questions you ask can be important if the exporting and receiving parties deny their responsibility to manage risk and protect water quality. In my investigation, I determined that the receiving party [Ex. 6 Personal Privacy (PP)] willingly accepted the material and the responsibility for it. Therefore, these questions were not found to be relevant to this case and I did not seek, and am not currently seeking, answers to them. At this point, material is no longer being stored at the property and both the exporter and recipient are engaged, cooperative, and committed to implementing practices to protect water quality moving forward.

That said, it is true that factors such as who spread the material, who owns the land and equipment, etc. can be important when determining responsibility and which agency should take the lead in investigating a particular matter. While that was not necessary in this situation, we will continue to coordinate with the Washington State Department of Agriculture when off-site manure issues are found or reported.

I hope you will be glad to hear that Ecology, WSDA, and Snohomish Conservation District are planning a workshop for Stillaguamish livestock producers. Our goal is to educate or re-educate folks about proper manure management in flood prone areas and applicable water quality laws.

Marty Jacobson

Nonpoint Water Quality Specialist

WA Department of Ecology

Northwest Regional Office

Pronouns he/him

Cell (425) 301-7062

From: [Ex. 6 Personal Privacy (PP)]@gmail.com>

Sent: Tuesday, May 3, 2022 3:15 PM

To: Jacobson, Marty (ECY) <MAJA461@ECY.WA.GOV>

Cc: Flege, Kyrre (AGR) <KFlege@agr.wa.gov>; Rau, Ben (ECY) <benr461@ECY.WA.GOV>; Sandison, Derek (AGR) <DSandison@agr.wa.gov>; Watson, Laura (ECY) <lawa461@ECY.WA.GOV>; McLain, Kelly (AGR) <KAardal@agr.wa.gov>; Jean Mendoza [Ex. 6 Personal Privacy (PP)]@icloud.com>; Sulak, Daniel (AGR) <DSulak@agr.wa.gov>; Pirzadeh, Michelle

<Pirzadeh.Michelle@epa.gov>; Julia.Reitan@washington.sierraclub.org; Regan.Michael@epa.gov; EOC.EPAHQ@epa.gov; washington@tnc.org; Anson.Tebbetts@vermont.gov; Terry.Smith@vermont.gov; psa@pugetsoundkeeper.org; Peak, Nicholas <peak.nicholas@epa.gov>; Andrew Hawley <hawley@westernlaw.org>; Craig Bowhay <cbowhay@nwifc.org>; steveo@co.skagit.wa.us; rickh@co.skagit.wa.us; Piazza, Millie (ECY) <mpia461@ECY.WA.GOV>; Thomas, Jamila (GOV) <Jamila.Thomas@gov.wa.gov>; Blackmore, Laura (PSP) <laura.blackmore@psp.wa.gov>; Mitchell, Alex (PSP) <alex.mitchell@psp.wa.gov>; Stroming, Ahren (PSP) <ahren.stroming@psp.wa.gov>; RCO MI General Info (RCO) <info@rco.wa.gov>; Adicks, Kyle K (DFW) <Vincent.Adicks@dfw.wa.gov>; Neatherlin, Erik (GSRO) <erik.neatherlin@gsro.wa.gov>; info@charlietebbutt.com; info@blueriverlaw.com; jlaughlin@cascwild.org; nick@cascwild.org; nrinfo@nrdc.org; [redacted]@gmail.com; blanouette@upperskagit.com; michaelk@skagitlandtrust.org; vonessen.ashley@nisqually-nsn.gov; Epstein, Larry (PSP) <larry.epstein@psp.wa.gov>; diane.hennessey@epa.gov; marine@washington.sierraclub.org; [redacted]@olympus.net; [redacted]@msn.com; Svrjcek, Ralph (ECY) <RSVR461@ECY.WA.GOV>; Pickernell, H <hpickernell@chehalistribe.org>; andy.joseph@colvilletribes.com; dbarnett@cowlitz.org; lisa.martinez@hohtribe-nsn.org; Allen, Ron <rallen@jamestowntribe.org>; jeromys@pgst.nsn.us; Wooten, Tom <tomwooten@samishtribe.nsn.us>; gmiller@skokomish.org; trgobin@tulaliptribes-nsn.gov; delano_saluskin@yakama.com; bill.sterud@puyalluptribe-nsn.gov; nmaltos@sauk-suiattle.com; ewhite@stillaguamish.com

Subject: Re: Weekly Goals Sandison / Watson, Flege, Rau

Thank you for getting back so quickly Mr. Jacobson.

The thing I am curious about is who transported the the solids there, owned the equipment?

And, who spread the solids, same thing owned the equipment?

[redacted] may have the equipment, that is swell, but what I am asking is whose equipment was it transported and spread with as the dairy is also able to transport the solids?

Please find that out if you did not specifically ask.

Thank you

On Tue, May 3, 2022 at 1:38 PM Jacobson, Marty (ECY) <MAJA461@ecy.wa.gov> wrote:

Hello Ex. 6 Personal Privacy (PP)

Regarding the solids pile along Pioneer Highway (ERTS 710511), the material belonged to Ex. 6 Personal Privacy (PP) a dairy operator that owns several dairies in the vicinity. The materials were exported to a non-dairy operator, Ex. 6 Personal Privacy (PP). I do not know if there was a charge for the material. Ex. 6 Personal Privacy (PP) has equipment to haul and spread solid materials. Based on Ecology's recommendation Ex. 6 Personal Privacy (PP) delayed spreading the material this spring until after the flood season. That being said, Ecology considers this a pollution-generating event. Future instances will result in Ecology moving to the next step in the compliance process.

Marty Jacobson

Nonpoint Water Quality Specialist

WA Department of Ecology

Northwest Regional Office

Cell (425) 301-7062

From: Flege, Kyrre (AGR) <KFlege@agr.wa.gov>

Sent: Monday, May 2, 2022 7:11 AM

To: Ex. 6 Personal Privacy (PP) @gmail.com>; Rau, Ben (ECY) <benr461@ECY.WA.GOV>; Sandison, Derek (AGR) <DSandison@agr.wa.gov>; Watson, Laura (ECY) <lawa461@ECY.WA.GOV>; Jacobson, Marty (ECY) <MAJA461@ECY.WA.GOV>; McLain, Kelly (AGR) <KAardal@agr.wa.gov>

Subject: Re: Weekly Goals Sandison / Watson, Flege, Rau

Good morning Ex. 6 Personal Privacy (PP)

The ERTS (#710511) you referenced with specific questions was referred to ECY and has been overseen by Marty Jacobson. He'll be responding to you to help answer your questions.

Best,

Kyrre Flege

Program Manager | Dairy Nutrient Management

Washington State Department of Agriculture

c. [360.746.1249](tel:360.746.1249) — e. kflege@agr.wa.gov

From: Ex. 6 Personal Privacy (PP) @gmail.com>

Sent: Sunday, May 1, 2022 11:03:05 AM

To: Rau, Ben (ECY) <benr461@ECY.WA.GOV>; Sandison, Derek (AGR) <DSandison@agr.wa.gov>; Watson, Laura (ECY) <law461@ECY.WA.GOV>; Flege, Kyrre (AGR) <KFlege@agr.wa.gov>

Subject: Weekly Goals Sandison / Watson, Flege, Rau

External Email

Just a friendly reminder of your responses are due or either past due for the following:

Sandison / Watson - Justification for not eliminating manure applications in flood plains when it has been shown that with the voluntary compliance program now in place agricultural is unable to predict flooding in a consistent manner causing non point agricultural pollution in Washington state. The response should also address how other states have found regulations prohibiting manure applications to be not a burden to agriculture, yet Washington state is unable to do so. Also addressing how the USDA's preferred BMP elimination of manure applications in flood plains would not be of value in Washington state.

Flege - Information on application of approximate 500 yds of manure subject to flooding on Stillaguamish flood plain reported in ERTs 10/6/2021, spread approximately 4/1/2022